

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

**Marina Del Rey Hotel  
13534 Bali Way  
Marina Del Rey, CA 90292  
(310) 301-1000  
July 16, 2004  
MEETING MINUTES**

**Members Present**

Marcia Raggio, Ph.D., Chairperson  
Alison Grimes, AuD  
Rebecca Binge, M.A.  
James Till, Ph.D.  
Bruce Gerratt, Ph.D.  
Sherry Washington, M.A.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel  
Albert Balingit, Legal Counsel

**Members Absent**

Vivian Shannon, M.A.  
Paul Donald, M.D.

**Guests Present**

Kathy Matonak, California Academy of Audiology  
Mark Faulk, California Academy of Audiology  
Dennis Van Vliet, Audiologist  
Lisa O'Connor, Speech-Language Pathologist

**I. Call to Order**

Chairperson Raggio called the meeting to order at 9:15 a.m.

**II. Introductions**

Those present introduced themselves.

### **III. Approval of Meeting Minutes for April 15-16, 2004 - Committee Meetings and Full Board Meeting**

The Board discussed minor grammatical edits to the minutes.

M/S/C: Bingea/Grimes

The Board approved the April 15-16, 2004 Committee Meeting and Full Board Meeting minutes as amended.

### **IV. Chairperson's Report (Marcia Raggio) The Stanford Affordable Hearing Aid Project**

Chairperson Raggio reported that she recently served as a consultant for The Stanford Affordable Hearing Aid Project, which is a college credit business project offered through the Stanford Social Entrepreneurship Startup and the Stanford Department of Engineering. She explained that approximately 16-20 graduate and undergraduate business students participated in The Affordable Hearing Aid Project and their mission was to develop viable solutions for providing affordable hearing intervention and hearing devices for individuals in need. She stated that the goal of the project was to identify affordable and accessible audiologic services and hearing aids for individuals who do not otherwise qualify for Medi-Cal and/or California Children Services programs. Ms. Raggio explained that the program has significant financial backing through the Lion's Club, as well as other international support. The students worked with a range of experts and community organizations to identify the factors that must be considered in developing feasible options for providing affordable hearing aids. Such factors included identifying affordable and legal professional services, necessary equipment, and access to service facilities. The students then divided into four groups to investigate methods of distribution, purchasing models, and ways to provide affordable testing, as well as to identify which hearing aid would provide the most benefit for the cost. Ms. Raggio stated that the students located a digitally programmable hearing aid from a manufacturer in Norway that could be purchased for \$50.00, and possibly marketed for approximately \$200. She also reported that the group explored the concept of providing automated hearing screenings in mobile van units where volunteer audiology aides could administer the tests. Ms. Raggio stated that the academic semester ended, and the initial group of business students was no longer working on the project, but that the project would continue to develop with a new group of business students in future semesters.

### **V. Committee Reports**

#### **A. Continuing Professional Development Practice Committee (Gerratt)**

Mr. Gerratt reported that the Continuing Professional Development (CPD) Committee met on July 15, 2004 to discuss the merits of two courses to determine whether the courses should be approved as CPD for the purpose of license renewal. Mr. Gerratt stated that staff had previously denied both courses, and that the licensees subject to

the denial requested that the CPD Committee reconsider the stated decision. He reported that the first course discussed was titled "Sensory Integration and Behavior Strategies Can Work Together." He stated that the Committee reviewed the course documents as provided by the licensee and the course provider, and determined that the course did not offer practice-specific information in terms of how to apply sensory integration techniques to the practice of speech-language pathology. Therefore, the Committee upheld the previous denial. Mr. Gerratt reported that the second course, entitled "Language and Literacy: The Reading, Writing, and Spelling Connection," was considered by the Committee and was determined to be directly relevant to the practice of speech-language pathology. As such, the Committee overturned the previous denial and approved the course as an appropriate CPD course offering.

M/S/C: Washington/Till

The Board voted to accept the report of the Continuing Professional Development Committee.

### **B. Audiology Practice Committee (Bingea)**

Ms. Bingea reported that the Committee discussed the issue of professional responsibility and the efficacy of treatment for Auditory Processing Disorders (APD). Ms. Bingea stated that the Committee held a lengthy and interesting discussion regarding APD and the new draft position paper developed by the American Speech-Language-Hearing Association (ASHA), which defines APD and acknowledges a standard battery of diagnostic testing. She stated that the California Speech-Language-Hearing Association (CSHA) has also prepared a draft position paper that may be available for review by the Committee at a future meeting. Ms. Bingea summarized the discussion and stated that the issue of diagnosis and treatment of APD has been a long-standing debate in terms of whether there is a "gold standard" for determining the presence of APD and whether there is a strong body of evidence to support whether or not APD can be diagnosed and further treated. She stated that, during the discussion, issues were raised regarding the diagnostic battery of tests identified in the ASHA document, and that the prescribed testing appears extensive, prohibitive for most practices, and beyond the expertise of many professionals. Additionally, the intervention strategies for APD have been viewed as tenuous because the existing research is not evidence-based or well-supported in the profession. Ms. Bingea stated that the impetus for the discussion was a situation brought to Ms. Raggio's attention wherein a colleague informed her that a professional was charging large sums of money for APD therapy, in spite of the fact that there is not an accepted body of research to support specific therapeutic strategies. Ms. Bingea reported that Ms. Del Mugnaio explained the enforcement challenges the Board would be faced with in attempting to measure the facts of a case against an accepted standard of care for APD diagnosis and treatment. Ms. Bingea stated that the Committee expressed interest in following the future developments of the both the ASHA and CSHA draft position papers. She also stated that the Board might be confronted with enforcement issues relative to false and misleading claims of efficacious therapy for treating APD.

Ms. Bingea reported that the Committee discussed two legislative bills: Senate Bill 1158, which is an initiative authored by Senator Jack Scott, and Assembly Bill 2426, introduced by Assembly Member Wiggins. She stated that SB 1158 is a measure that would mandate health care service plans to provide hearing aid coverage up to \$1,000, at least once every 36 months, to all enrollees under 18 years of age. She stated that the bill is a reinvention of prior unsuccessful legislative movements to provide some form of hearing aid benefits. Ms. Bingea reported that the Board is on record in support of the bill, and stated that the bill has been successful, thus far, in the 2004 legislative session. She stated that the Committee discussed AB 2426, which is a bill that would include a doctor of audiology as a qualified medical evaluator for the purposes of evaluating workers' compensation claims. She stated that the Committee did not take a position on the bill as the language is ambiguous in terms of the reference to a "physician," and the bill is lacking information to define the educational requirements for a doctor of audiology. She stated that the sponsor identified the bill as a placeholder until such time that the Board could provide language regarding the doctoral education standards. She stated that the bill is not moving forward during the remaining 2004 legislative cycle, but may be reintroduced next year.

Ms. Bingea reported that the Committee reviewed the Centers for Medicare & Medicaid Services (CMS) rule change for audiologists' professional standards, which revised the Medicaid requirements for an audiologist providing services under the Medicaid program as one who holds state licensure. The rule change, effective June 28, 2004, aligns the Medicaid definition of an authorized provider with the existing Medicare provider definitions.

M/S/C: Grimes/Gerratt

The Board voted to accept the report and recommendations of the Audiology Practice Committee.

### **C. Speech-Language Pathology Practice Committee (Till)**

Mr. Till stated that the Speech-Language Pathology Practice Committee met on July 15, 2004 at 4:37 p.m. to discuss a draft issue paper regarding speech-language pathologists utilizing electrical stimulation for treatment of swallowing disorders. He reported that he, Ms. Washington, and Mr. Gerratt of the Committee were present, as well as interested public attendees and fellow Board members. Mr. Till stated that the purpose of the issue paper was to provide licensees with legal information and to explain parameters that should be considered when using the new therapeutic modality. He explained that members of the public provided oral and written testimony that was considered by the Committee and, from that testimony, the Committee agreed to make four changes to the draft issue paper. Mr. Till identified the four changes as reflected in the Speech-Language Pathology Practice Committee meeting minutes. He concluded

his report and stated that the Committee voted to recommend to the full Board to adopt the issue paper as amended.

M/S/C: Gerratt/Washington

The Board voted to adopt the report and recommendations of the Speech-Language Pathology Practice Committee.

## **VI. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Budget Update**

Ms. Del Mugnaio provided the Board with a budget projection displaying expenditures for the 2003/2004 fiscal year through the end of May 2004. She explained that, as reflected in the budget projection, the Board has managed its resources well and has a low reversion rate.

### **B. CSHA Board Meeting June 25, 2004**

Ms. Del Mugnaio reported that she was invited to speak at the CSHA Board meeting on June 25, 2004 in Sacramento to explain the Board's Continuing Professional Development (CPD) program changes and to inform the group of the current course review and appeal process. Ms. Del Mugnaio stated that a number of CSHA Board members expressed their concern regarding lengthy processing timelines that providers may be subject to, should the Board implement the course approval process. She stated that the CSHA Board members were in favor of limiting the Board's course approval processing timelines to 15 working days. She reported that some attendees also expressed concern over the unexpected workload that the Board may be inheriting in attempting to review all ASHA providers. Ms. Del Mugnaio stated that she does not know the exact number of course submissions the Board may be receiving during the initial implementation phase, but assured the group that the Board would secure the necessary resources prior to enforcing the course approval requirements. She explained the process wherein the Board is attempting to enlist assistance from the professional community with course evaluation, and to possibly recommend appropriate changes to the current CPD regulations. Ms. Del Mugnaio reported to the CSHA Board the vast discrepancies in how the CPD course criteria are being interpreted by licensees and providers, and that the Board has a responsibility to educate its licensing community about the CPD requirements. She stated that the Board's decision has been to seek the authority to review and approve individual course offerings.

### **C. SLPAB Strategic Plan for 2004-2005**

Ms. Del Mugnaio referenced the final Strategic Plan document for 2004-2005 included in the Board packets. She reported that the final document incorporated grammatical edits submitted by Ms. Binge. She stated that the document is a public document that is available on the Board's website, and that it can be forwarded to any interested party.

#### **D. Website Postings “Practice Issues”**

Ms. Del Mugnaio referenced the two practice issue papers available on the Board’s website. The issue papers each provide legal guidance on supervision roles and responsibilities for support personnel. One document provides guidance on supervision issues related to conducting vestibular function studies, and the other document sets out parameters regarding speech-language pathologists supervising occupational therapists.

Ms. Del Mugnaio stated that the issue papers have received a number of website “hits,” and that several licensees have reported the documents to be a helpful resource.

Ms. Del Mugnaio provided information to the Board related to the issue of supervising support personnel in the practice of audiology. She stated that she gathered information in response to a request from Ms. Grimes on how other states regulate audiology support personnel. Ms. Del Mugnaio provided statistics on which states regulate audiology support personnel, the titles used to identify audiology support personnel, and the education and training requirements necessary to qualify as audiology support personnel.

#### **E. Public Outreach**

Ms. Del Mugnaio reported that the Department of Consumer Affairs requested its various boards and bureaus to submit consumer related topics relative to the professions they regulate, to be included in a department-wide “Public Awareness Campaign.” She stated that potential ideas should offer tips and/or advice on improving the lives of California consumers.

The Board suggested that licensees may also have suggestions, and it may be beneficial to notify parties on the Board’s email notification group. The Board inquired about the deadline for submission.

Ms. Del Mugnaio stated that a deadline has not been provided, however, individuals should submit their suggestions to her, by email, in a timely manner.

#### **VII. Enforcement/Licensing Statistical Reports (Candace Raney/Lori Pinson)**

The Board reviewed both enforcement and licensing statistical reports.

Ms. Grimes inquired about the unusually high number of audiology aides reported on the licensing report.

Ms. Pinson stated that the number is inaccurate, and that she will research the error and correct the licensing report.

## **VIII. Legislation**

### **A. SB 1913-CPD Course Approval & Exemption for Professional Corporations**

Ms. Del Mugnaio reported that SB 1913 was recently amended, although the sections of the bill that were changed were not relevant to the Board's statutes. She distributed the current version of SB 1913 and stated that the section regarding the Board's CPD program changes is reflected in Section 2532.6(e)(2), which provides that CPD courses must be approved by the Board prior to a licensee enrolling in the course offering.

The Board discussed the provisions and the comments received by Ms. Del Mugnaio at the CSHA Board meeting regarding course review timelines and inefficiencies in governmental processing.

Members of the Board and the public in attendance agreed that two-week processing timelines to review CPD courses is unrealistic and restrictive. Some suggested that courses should be developed several months, if not a full year, in advance of the course offering. It was also suggested that courses put together in a two-week timeframe may lack substance and may compromise quality in terms of providing a valuable CPD course offering.

Ms. Del Mugnaio stated that she is working with the Business and Professions Committee to include language in SB 1913 that would provide the Board with some discretion as to the effective date of the provision. She stated that she is concerned that the Board has not received interest from the professional community in response to the website advertisement seeking volunteer subject matter experts to review CPD course offerings.

As such, she requested that the Business and Professions Committee add language to the bill that would essentially state that the provision would be enforced, provided the Board has the necessary resources to implement the approval and certification process.

The Board members suggested that Ms. Del Mugnaio use an alternative means to advertise for the volunteer subject matter experts. It was suggested that Ms. Del Mugnaio contact the various professional associations and send a mailing to its licensing population notifying them of the need.

Ms. Washington suggested that the Board use the email "Hotsheet" to solicit interest.

The Board felt that the lack of response to the requested service was a matter of limited awareness and was not because the positions are slated as volunteer positions.

Mr. Till suggested that the Board consider seeking input from task force teams made up of volunteer subject matter experts. He stated that the charge of the group could be multifunctional in terms of identifying emerging and relevant practice areas, evaluating the current CPD regulation structure for the purposes of recommending appropriate modifications, and evaluating the relevance of individual CPD course offerings. He

stated that tasks and reporting policies provided to task force members must be structured so that the Board maintains the final decision-making authority in all areas.

There was discussion on orienting the subject matter experts on the CPD regulations and on the assigned duties. It was also suggested that more than one expert review the same course to maintain objectivity.

M/S/C: Till/Washington

The Board voted to delegate to the executive officer the task of seeking interested professionals to serve as subject matter experts on task-force teams who would be charged with recommending continuing professional development program modifications and related processes, and to review continuing professional development course offerings. The announcement seeking interest shall be disseminated by email "Hotsheet" and by a mass mailing to the Board's licensing community.

Ms. Del Mugnaio stated that the other provision in SB 1913 pertinent to the Board is a clean-up provision amending the Corporations Code, which exempts licensees of the Board who form professional corporations from filing a certificate with the Board. She stated that the Board was exempted from this requirement when it was under the auspices of the Medical Board. However, pursuant to legislation enacted January 1, 2002, the Board was removed from the auspices of the Medical Board and placed directly under the Department of Consumer Affairs. The restructuring of the Board's status nullified the existing exemption. This proposed amendment would add the Speech-Language Pathology and Audiology Board to the list of agencies exempt from issuing certificates of registration to licensees forming professional corporations.

Ms. Del Mugnaio stated that a number of stakeholders have recently sought legal guidance on the issue of permissive forms of corporate status for licensed speech-language pathologists and audiologists. She stated that Mr. Ritter is preparing a legal opinion relative to this issue, and the opinion should be available for review at the September Board meeting.

Mr. Van Vliet inquired whether Mr. Ritter viewed the formation of general law corporations by speech-language pathologists or audiologists, as permissible if the officers of the corporation are licensed professionals. He added that a corporate structure governed by licensed professionals, as corporate officers would eliminate the legal concerns regarding unlicensed corporate directors controlling the professional services provided by licensees.

Mr. Van Vliet stated that Medicare has ruled that speech-language pathologists and audiologists cannot form general corporations to provide professional services.

Mr. Ritter stated that the issue is being researched, and that a formal legal opinion will be forthcoming from the Department of Consumer Affairs. He further referenced a previous departmental legal opinion draft in 1995, which concluded that, if the relevant licensing statutes do not expressly prohibit the licensed professional from forming a general law corporation, then the corporate formation is permissible. Mr. Ritter stated that the reference in the 1995 legal opinion regarding the "absence of prohibiting statutes" must be revisited.



## **B. SB 136- Sunset Extension**

Ms. Del Mugnaio reported that SB 136 contains provisions that would extend the Board's sunset date to January 1, 2008 to reflect the extension granted by the Joint Legislative Sunset Review Committee for completion of the Board's sunset review report and associated hearings. She stated that, in addition to extending the Board's sunset date, SB 136 would be amended by mid-August to stagger the appointment terms of the Board member positions. She reported that, since all of the existing Board members' terms expire about the same time, the Board would be without appointed Board members to oversee the function of the agency. In an attempt to rectify the situation, she requested the assistance of the Department of Consumer Affairs' legislative unit and the Business and Professions Committee's staff to redefine the terms of members appointed to the Board after November 1, 2004. She explained that by staggering the length of the board terms, the imposed expiration dates will be staggered and will not result in multiple vacancies at, or near, the same time.

Ms. Del Mugnaio reminded the Board members that those who are interested in being re-appointed to the Board submit their letters of interest to Governor Schwarzenegger's Appointments Secretary. She stated that she would provide all of the contact information to the interested Board members via email.

## **C. AB 320 – License Settlement Agreements**

Ms. Del Mugnaio reported that AB 320 is a measure that would prohibit a licensee or a person acting on behalf of a licensee, whether it be an attorney or some other entity, from inserting into a settlement agreement a provision whereby a complainant would be prohibited from filing a complaint with the Department or from pursuing an enforcement action against the licensee. If a licensee or an agent acting on behalf of a licensee were to do this, that individual would be subject to discipline by virtue of doing that act. She further stated that the Board voted to support AB 320 and referenced the Board's support letter in the meeting packets.

## **D. AB 750 – Medi-Cal Durable Medical Equipment**

Ms. Del Mugnaio stated that AB 750 is an initiative that would require any provider of custom rehabilitative equipment and custom rehabilitative technology services to a Medi-Cal beneficiary to have on staff, or a contractual relationship with, a qualified rehabilitation professional. The qualified rehabilitative professional would have the responsibility of determining the specific custom rehabilitative equipment needs of the patient. Ms. Del Mugnaio stated that the bill appears to address rehabilitative equipment as that concerning mobility, as the bill makes reference to wheelchairs, custom bath equipment, and other mobility related devices. She explained that the reason she was tracking the bill was because she received an email from the California Speech-Language-Hearing Association (CSHA) which stated that CSHA was concerned that AB 750 may be broadened to apply to any rehabilitative equipment, such as communication devices.

The Board agreed that the bill appeared to be addressing rehabilitative equipment needs in terms of mobility issues and did not take a position on the bill.

Ms. Del Mugnaio agreed to continue to track AB 750 and watch for any changes that would directly impact speech-language pathology or audiology services.

#### **E. AB 2909 – Early Intervention Services**

Ms. Del Mugnaio stated that AB 2909 defines the term “qualified personnel” for those individuals authorized to provide early intervention services as provided for in part H of the federal Individuals with Disabilities Education Act (IDEA). She stated that the language in AB 2909 would define “qualified personnel,” for the purposes of providing services to children 0-2 years of age who are identified as being deaf or hard of hearing, as teachers of the deaf and hard of hearing. The bill further states that assessments and services provided by licensed speech-language pathologists and licensed audiologists would not be excluded.

Ms. Grimes stated that, in as much as the bill mandates that personnel providing services in regional centers must have met the education and training requirements to hold a credential or a license in the state, she completely supports the initiative. She further stated that presently many hearing-impaired children are subjected to substandard care in regional centers because the services are provided by unlicensed and unskilled personnel. She stated that often the parents are unaware of the poor quality of care their children are afforded by these non-professionals.

A lengthy discussion ensued regarding the language of AB 2909. The Board determined that the bill, as written, is ambiguous and could reasonably be interpreted to define the teacher of the deaf as the professional charged with coordinating the appropriate services for deaf or hard of hearing infants and toddlers. It was further stated that the bill may be misconstrued to expand the scope of responsibility of the teacher of the deaf as the professional authorized to arrange for the necessary multidisciplinary early intervention and family support services.

The Board expressed concern regarding the language of AB 2909 in that it could potentially limit the imperative role and professional responsibility audiologists and speech-language pathologists play in serving the hearing and speech-language needs of this population.

Ms. O'Connor stated that she has strong concerns with the wording of the bill and stated that she is aware that CSHA had opposed prior versions of AB 2909.

M/S/C: Bingea/Grimes

The Board voted to delegate to Ms. Grimes the task of drafting a letter to Assembly Member Salinas that would support the concept of enforcing professional standards for any personnel servicing children in regional centers, identify the Board's concerns regarding the ambiguity of the language and the potential for misinterpretation, and provide suggested language identifying the appropriate professionals and their roles in

serving the hearing and speech-language needs of infants and toddlers who qualify for early intervention services.

#### **F. AB 2912 – Interpreters & Translators**

Ms. Del Mugnaio stated that another bill of interest to the Board is AB 2912 regarding sign language interpreters. This bill would provide for the governmental regulation of individuals who provide sign language interpreting and sign language transliterating services to the public for compensation. She stated that AB 2912 identifies the Department of Consumer Affairs as the oversight agency and authorizes the Department to assess penalties to individuals who do not possess the appropriate credentials to provide sign language services according to the provisions of the bill. She referenced the section of the bill that exempts certain individuals and specific situations from the provisions.

Ms. Del Mugnaio noted that speech-language pathologists and audiologists are not exempted from the provisions of the bill.

The Board discussed the language and determined that the bill would not restrict speech-language pathologists or audiologists from using sign language to communicate with their patients, as the purpose for using the sign language would not be for the benefit of compensation.

Ms. Del Mugnaio stated that AB 2912 has been suspended, and it is unlikely that the bill will proceed through the remaining legislative session.

#### **G. AB 2354 – Health Care Discount Programs**

Ms. Del Mugnaio reported that AB 2354 would place restrictions on the manner in which health care discount programs operate and advertise their services to the public. She stated that a health care discount program is defined as a program that provides consumers access to providers and health care services and products for an established membership fee. She stated that the bill has been amended four times since the Board last reviewed the bill at its April 16, 2004 Board meeting. She stated that the version of the bill reviewed by the Board in April prohibited the operation of health care discount programs in the state. She stated that, although AB 2354 was amended several times, it was ultimately suspended and was not moving through the legislative process. She reported that she discussed the initiative with the office of Assembly Member Levine, the author of the bill, and was informed that the initiative was reintroduced in AB 1414.

Ms. Del Mugnaio reported that Assembly Member Levine's office explained that the intent of AB 1414 was to enforce stringent advertising provisions for health care discount plans in terms of prohibiting these plans from any advertising that may mislead the public to interpret these plans as health insurance. Further, the provisions of AB 1414 would require discount programs to disclose the applied methodology that is used to ascertain that the advertised health services are, in fact, offered at a discounted rate.

Mr. Ritter and Mr. Balingit discussed the provision and noted that the manner in which the discount programs are structured may be in conflict with existing statutes that prohibit licensees from entering into business arrangements where the licensee pays a set fee and, in turn, receives patient referrals. Mr. Balingit added that the provision in AB 1414 would exempt licensees participating in the health care discount programs, as defined in the bill, from the prohibited referral statutes as provided under Business and Professions Code Section 650.

Mr. Till stated that, to the extent the bill takes a positive step toward preventing health care discount programs from deceiving the public, he is supportive of the initiative. He further stated that he believes more should be done to regulate this industry.

Mr. Balingit added that, should AB 1414 pass into law, further regulations defining the provisions would be necessary to establish fees and application requirements, and to further define the parameters for offering and advertising “discounted benefits.”

M/S/C: Till/Grimes

The Board voted to write a letter of support for AB 1414.

#### **H. Other Legislation of Interest to the Board (SB 1915 Urgency Staggered Board Terms)**

The Board did not discuss any other legislative initiatives.

### **IX. Proposed Regulations**

#### **A. Discussion on Proposed Amendments to California Code of Regulations Sections 1399.152 & 1399.156.4 Regarding Board-Approved Institutions & the Advertisement of Professional Degrees**

Chairperson Raggio stated that, at the April 16, 2004 Board meeting, Ms. Grimes and Mr. Till were charged with developing a working document that would identify the components of a Board-approved academic training program awarding professional degrees in speech-language pathology and audiology. She referenced the most recent draft language contained in the meeting packets and thanked Ms. Grimes for her dedicated efforts.

Ms. Grimes provided background on the preparation of the draft language and stated that the draft represents information extracted from the previous draft proposal provided by the Subcommittee of the California Council of Academic Programs in Communication Sciences and Disorders, as well as information sought from the Accreditation Commission of Audiology Education (ACAE), which is a joint organization of the American Academy of Audiology and the Academy of Dispensing Audiologists. Ms. Grimes explained that she experienced formatting problems with the document and stated that the numbering is not sequential. She explained that the reference to subsection (d) and (e) should actually be part of subsection (c) and should be reflected as (c)(2) and (c)(3).

Mr. Gerratt inquired about the faculty requirements proposed in the draft language and whether the proposal was to require four full-time faculty members with doctoral degrees in Audiology.

Ms. Grimes confirmed that the language does propose a minimum requirement of four full-time faculty holding doctoral degrees in audiology. She stated that at least one of the four faculty members would be responsible for direct patient care and clinical supervision.

Ms. Bingea asked whether the clinical supervision position could also fulfill the requirement of one of the three doctoral faculty members responsible for providing instruction.

Mr. Till inquired about whether the clinic would have to be an on-campus clinic.

Ms. Raggio stated that many programs might have difficulty supporting four full-time faculty members. She further stated that not all of the faculty might have doctoral degrees in audiology, as a number of the professors in the professional training programs have Ph.D.s or advanced degrees in related areas.

Ms. Grimes asserted that she believes that a minimum of four resident faculty members are necessary to ensure the quality of the educational offering and to be available for advising students and maintaining program continuity. She stated that she believes that doctoral programs should have on-site clinical facilities.

Ms. Matonak inquired whether the clinical supervisor identified in the language would be a full-time position.

Ms. Grimes stated that her intent was to draft the language to require a full-time clinical supervisor who holds a doctoral degree in audiology.

Mr. Till inquired about whether all of the faculty must hold a state license.

Ms. Del Mugnaio stated that the statute, Business and Professions Code Section 2530.5 (i), states that any person providing instructional or supervisory activities as a faculty member of an approved college or university is exempt from licensure for the first 60 days following appointment to the position. After that, the instructor must hold a license.

The Board members commented that many instructors who provide instruction in related areas would not hold a license as an audiologist, as they are not practicing professionals and/or are professionals educated in other fields, such as neuroscience or psychoacoustics.

Ms. Del Mugnaio stated that a statutory change may be necessary to clarify Section 2530.5 (i) to reflect that a faculty member must hold a license to serve in a supervisory capacity, as opposed to requiring that instructors hold state licenses. Ms. Del Mugnaio stated that she would research the provision further with legal counsel.

Ms. O'Connor commented on the language referencing the requirement that a program offer four years of full-time study. She suggested that the language be amended to refer to a specific number of semester units and, thereby, be in concert with the Board's existing academic requirements for licensure.

Ms. Grimes stated that the four-year course of study requirement was derived from standards established by the ACAE.

The Board agreed that a minimum number of academic semester credits should be identified.

Ms. Del Mugnaio suggested that the language be crafted to provide for approval of a program "that offers the equivalent of four years of academic preparation resulting in a minimum of (\_\_\_) semester units in the degree program." In this way, the language addresses both the length of academic study and the appropriate number of academic units that should be offered in a doctoral training program.

Ms. O'Connor also suggested that the Council of Postsecondary Accreditation (COPA) be added to the language after the reference to the Committee on Higher Education Accreditation (CHEA), as COPA is the predecessor of CHEA.

Mr. Gerratt inquired about whether the Board is considering drafting a grandfathering provision to acknowledge doctorate degrees that were awarded prior to the adoption of the amended regulations.

Mr. Ritter stated that a grandfathering clause would be necessary for individuals to qualify for licensure if the individual did not hold a master's degree and the individual's AuD was awarded prior to the adoption of the regulation, and if the degree was obtained from an institution that did not qualify as a Board-approved institution.

Ms. Grimes inquired whether a grandfathering clause is generally proposed as a blanket approval, or whether the approval can be discretionary and considered on a case-by-case basis.

Ms. Del Mugnaio stated that generally grandfathering clauses are blanket clauses based on a specific date of enactment.

Ms. Bingea inquired as to how the proposed regulations impact distant learning programs, as the distant learning programs are post-master's programs.

Ms. Del Mugnaio inquired whether the clinical requirements of the post-baccalaureate doctoral programs are different from that of the clinical requirements of the post-master's programs.

Ms. Grimes stated that the post-master's programs require that the student hold a license to practice and that, typically, the post-master's programs do not have a clinical component because the supposition is that the student has already completed the clinical activity in the master's program, and beyond, through licensed practice.

Ms. Raggio stated that the Board has a number of issues yet to deliberate before a proposed set of standards can be considered. She further thanked the California Academy of Audiology for their involvement in the process, and acknowledged the corresponding letter in the meeting packets.

Ms. Raggio stated that the Board would continue to research curriculum requirements in terms of establishing a minimum number academic semester units.

Ms. Grimes stated that she has heard of a website that compares the academic structure of each of the AuD programs in operation, and stated that this information could prove beneficial in developing minimum academic standards.

Mr. Till suggested contacting the National Council of Academic Chairs of the American Speech-Language-Hearing Association.

Ms. O'Connor stated that she is concerned about the preservation of accreditation standards applied to speech-language pathology programs, and requested that the Board carefully consider the impact that changing the existing language may have on master's programs in speech-language pathology.

Ms. Matonak inquired whether advertising restrictions would be enforced on individuals who have already received their AuD degrees from distance learning programs that may not meet the Board approved criteria.

Ms. Del Mugnaio responded and stated that the issue of advertising must be revisited, as there are statutes that would prohibit the Board from restricting the advertisement of an earned academic degree. However, the Board may have to develop an advertising regulation that would in some way differentiate the advertising of AuD degrees from Board-approved institutions, and those issued by institutions that do not meet the Board-approved criteria, so that the education qualifier is not misleading.

M/S/C: Grimes/Bingea

The Board voted to assign Ms. Grimes and Mr. Till, with input from other individual Board members, the task of further modifying the draft regulation language defining a Board-approved institution, California Code of Regulation 1399.152, based on the suggested changes regarding the number of full-time faculty, identifying a minimum number of semester units that must be offered, and including criteria relative to distance learning programs.

## **B. Discussion of Options to Proceed with Complaint Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187)**

Ms. Del Mugnaio explained that the proposed regulations available for consideration have been reviewed and adopted by the Board at a previous meeting. However, she explained that because the language was originally modeled after complaint disclosure guidelines developed for the Podiatry Board, there were minor changes made to a few of the regulation sections that referred specifically to medical practice information and

related mandates that are not relevant to the practices of speech-language pathology and audiology.

Ms. Del Mugnaio informed the Board that the State and Consumer Services Agency (Agency) has requested that the Department of Consumer Affairs (DCA) revisit the complaint disclosure guidelines adopted by the DCA under the Davis Administration. She explained that the Agency is concerned that the existing DCA complaint disclosure policy may not adequately protect licensing agencies from lawsuits or other legal challenges. As such, the Department has suggested that all proposed regulations regarding complaint disclosure be placed on hold until the legal analysis of the DCA policy is complete and approved by the Agency.

Ms. Del Mugnaio stated that the Board has the option to proceed with filing its proposed regulations regarding complaint disclosure and wait for a response from the DCA, or the Board may choose to postpone the filing of the proposal until after it has had an opportunity to review the decision of the DCA and the Agency. She stated that she consulted with Sherry Mehl, Deputy Director of DCA, to inquire about the time frame on the legal analysis and decision of the Agency. Ms. Mehl reported that a review by the legal department was underway and should be completed within a few weeks.

The Board decided to take no action on the proposed regulations on complaint disclosure until the DCA and the Agency have finalized their legal analysis and have adopted model complaint disclosure guidelines.

### **C. Disciplinary Guidelines (California Code of Regulations Section 1399.155)**

Ms. Del Mugnaio explained that most licensing agencies within the DCA have a set of standardized disciplinary guidelines established in regulation that are referenced by both legal counsel and administrative law judges when determining the appropriate disciplinary imposition in administrative disciplinary cases. She stated that the Board's existing guidelines do not reflect all of the license and registration types under the jurisdiction of the Board. She explained that the proposed language incorporates guidelines for the paraprofessional categories, amends outdated references to the Board's status as a Committee, and updates outdated regulation section references. She stated that both Mr. Ritter and Mr. Balingit have reviewed the guidelines for legal accuracy.

M/S/C: Washington/Till

The Board voted to adopt the proposed disciplinary guideline regulations.

### **X. Discuss Licensing Issues Related to Equivalency Provisions Business and Professions Code Section 2532.8**

Ms. Del Mugnaio stated that Ms. Pinson recently identified licensing situations wherein an applicant for licensure has been denied by the Board for failing to meet licensure requirements and has subsequently been granted a Certificate of Clinical Competence from the American Speech-Language-Hearing Association (ASHA). She stated that the licensing deficiency noted by the Board in these cases is with respect to dated



examination scores. She stated that the laws and regulations regarding examination requirements provide that an applicant for licensure may only apply examination passing scores that are not more than five years old, or, if the examination scores are more than five years old, the licensee must qualify for an examination waiver. The examination waiver requirements provide that the applicant must have taken and passed the required examination and must have been legally engaging in the practice of speech-language pathology and/or audiology for three years immediately prior to applying to the Board for a license. She stated that she understood ASHA's requirements to be equivalent, but discovered after a phone call and follow-up email to ASHA, that ASHA accepts examination passing scores for as long as the scores remain on record with the Educational Testing Services (ETS). She stated that Ms. Pinson confirmed that ETS maintains examination records for at least ten years.

Ms. Del Mugnaio stated that she is concerned that the standards applied by ASHA are in conflict with the Board's equivalency statute, Business and Professions Code Section 2532.8, and may result in licenses being granted to individuals who do not meet state licensing requirements. She recommended that a letter be sent to ASHA notifying the organization of the Board's concerns and requesting information regarding the eligibility requirements for the Certificate of Clinical Competence.

M/S/C: Grimes/Gerratt

The Board voted to delegate to Ms. Del Mugnaio the task of preparing and sending a letter to ASHA to express its concerns regarding its certification process, and to seek information on the eligibility requirements for obtaining a Certificate of Clinical Competence.

## **XI. Meeting Calendar 2005**

The Board established the meeting schedule for the 2005 calendar year as follows: January 14-15, April 29-30, July 29-30, and October 28-29.

## **XII. Public Comment on Items Not on the Agenda**

Ms. O'Connor inquired about the interpretation of the speech-language-pathology assistant (SLPA) regulations regarding the requirements for a SLPA supervisor to complete a course in supervision within two years of the commencement of supervision. Ms. Del Mugnaio stated that the regulation has been interpreted to require the supervisor to obtain the coursework within two years of entering into the supervision relationship, which means either within two years prior to serving as the supervisor, or within two years from the date on which the supervision is commenced.

Ms. O'Connor inquired whether the regulations require that a SLPA supervisor hold a license for a specified number of years or have specific training prior to serving in a supervisory role.

Ms. Del Mugnaio stated that there are no pre-existing requirements of the supervisor other than that the supervisor cannot be the subject of disciplinary action and cannot supervise more than the three paraprofessionals, of which only two can hold the title as a SLPA.

Ms. O'Connor inquired whether the Board is addressing the need for a uniform standard in the state for the professions of speech-language pathology and audiology and, thereby, creating one oversight agency and eliminating exempt settings.

Ms. Del Mugnaio stated that this topic is included in the Board's sunset review report and will continue to be a topic of discussion for the Board. She suggested that the movement to eliminate exempt settings would be difficult, as it would require a statutory change, and history has proven that the Department of Education is not interested in relinquishing authority to the licensing agency.

### **XIII. Announcements**

The next Board Meeting is September 23-24, 2004 in Sacramento.

### **XIV. Adjournment**

There being no additional items of discussion, Chairperson Raggio adjourned the meeting at 3:30 p.m.

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Annemarie Del Mugnaio, Executive Officer